

July 19, 2000

Mike LaVelle, Chairperson
West Fargo Special Education Unit
566 4th St. SW
Fargo, North Dakota, 58103-1914

Dear Mr. LaVelle:

The North Dakota Department of Public Instruction (NDDPI) Office of Special Education conducted a Verification Review in the West Fargo Special Education Unit during April 18-20, 2000 for the purpose of assessing compliance in the implementation of the Individuals with Disabilities Education Act (IDEA) and assisting your Unit in developing strategies to improve results for children with disabilities. The IDEA Amendments of 1997 focus on “access to services” as well as “improving results for children and youth with disabilities”. In the same way, the Continuous Improvement Monitoring Process implemented by NDDPI is designed to focus federal, state, and local resources on improved results for children with disabilities and their families through a working partnership among NDDPI, the West Fargo Special Education Unit, parents and stakeholders.

In conducting its review of the West Fargo Special Education Unit, NDDPI applied the standards set forth in the IDEA 97 statute and Part B regulations (34 CFR Part 300), as they were in effect at the time of the review. On March 12, 1999, the United States Department of Education published new final Part B regulations that took effect on May 11, 1999. In planning and implementing improvement strategies to address the findings in this report, the West Fargo Special Education Unit should ensure that all improvement strategies are consistent with the new final regulations.

The enclosed report addresses strengths noted during the review, areas that require corrective action because they represent noncompliance with the requirements of the IDEA, and suggestions for improvements that will lead to best practice. Enclosed you will find an Executive Summary of the Report, an Introduction including background information, and a description of issues and findings. NDDPI will work with you to develop corrective actions and improvement strategies to ensure improved results for children with disabilities.

Thank you for the assistance and cooperation provided by the West Fargo Special Education staff and Collaborative Review Team members during our review. Throughout the course of the review, Mari Bell, Director of Special Education and Rich Veit, Coordinator for the West Fargo Special Education Unit were responsive to requests for information and assistance from NDDPI personnel.

Thank you for the continued efforts toward the goal of achieving better results for children and youth with disabilities in North Dakota. Since the enactment of IDEA and its predecessor, the

Education of All Handicapped Children Act, one of the basic goals of the law, ensuring that children with disabilities are not excluded from school, has largely been achieved. Today, families can have a positive vision for their child's future.

While schools have made great progress, significant challenges remain. Now that children with disabilities are receiving services, the critical issue is to place greater emphasis on attaining better results. To that end, we look forward to working with the West Fargo Special Education Unit in partnership to continue to improve the lives of individuals with disabilities.

Sincerely,

Robert C. Rutten
Director of Special Education

cc: Mari Bell, Director
West Fargo Special Education Unit

Enclosure

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EXECUTIVE SUMMARY WEST FARGO SPECIAL EDUCATION UNIT

The attached report contains the results of the first two phases (Collaborative Review and Verification Review) of the North Dakota Continuous Improvement Monitoring of the Individuals with Disabilities Education Act (IDEA), Part B, in the West Fargo Special Education Unit during the 1999 – 2000 school year. The process is designed to focus resources on improving results for children with disabilities and their families through enhanced partnerships between the North Dakota Department of Public Instruction (NDDPI), the West Fargo Special Education Unit, parents and stakeholders.

Monitoring Activities

Several means were used in the monitoring process to gather data, review procedures and determine the extent to which the West Fargo Special Education Unit is in compliance with federal and state regulations.

The Collaborative Review phase of the monitoring process included the completion of a self-assessment by the West Fargo Public Schools Special Education Review Team. This team represented a variety of constituencies such as parents of students with disabilities, a representative from the Protection and Advocacy Project, Assistant Superintendent of West Fargo Schools, and a variety of representatives from both special and general education. The West Fargo Special Education Unit identified four self-assessment activities as part of its Collaborative Review:

1. Parents, students with disabilities, school staff, including paraeducators, special educators, general educators, and general education administrators, were surveyed regarding their satisfaction with the West Fargo Special Education Unit. Survey forms were adapted from models supplied by NDDPI.
2. Sixty student files were reviewed for compliance with the IDEA utilizing a form provided in the NDDPI document, *Special Education Monitoring Manual: Collaborative Review Process*.
3. Compliance worksheets supplied by NDDPI were used to analyze West Fargo Special Education Unit compliance with the following six basic principles of the IDEA:

Zero Reject – This is the requirement that all children with disabilities be provided with a free appropriate public education (FAPE).

Nondiscriminatory Assessment – A child with a suspected disability must receive a full, individualized assessment, which meets specific standards, and includes information from a variety of sources.

Appropriate Education – An IEP team, which includes the child’s teacher, the child’s parent(s), an administrator, and a special education teacher, develops an educational program tailored to meet the child’s unique needs.

Least Restrictive Environment – To the maximum extent appropriate, children with disabilities should be educated with their non-disabled peers. Placement decisions must be based on the goals and objectives.

Parent Involvement – Parents have the right to have access to their child’s educational records; parental consent is required for initial evaluation, reevaluation, and placement; parents must be included in IEP team decisions; and, parents must be notified of their right to appeal.

Procedural Safeguards – Procedural Safeguards, which ensure the fairness of educational decisions, include impartial due process hearings; the right to an independent educational evaluation; written notification to parents explaining their rights; parental consent, and appointment of surrogate parents, when needed.

4. Programmatic issues were analyzed to ensure that data gathered through the self-assessment were reflective of all schools and programs within the unit.

The Verification Review conducted by the ND Department of Public Instruction included an on-site meeting with the West Fargo Public Schools Special Education Review Team and the Department’s staff. Interviews with 31 school administrators, general educators, special educators, and related service providers were conducted during the verification review on April 19, 2000. The NDDPI wishes to thank Rich Veit for arranging these interviews. Focused special education file reviews were made of 32 children’s special education records following the compliance issues reported by the local special education review team in their self-assessment report. Information obtained from these data sources was shared in a meeting on April 20, 2000 that was attended by staff from the West Fargo Public Schools Special Education Review Team and staff from the ND Department of Public Instruction.

The Department of Public Instruction staff members express their appreciation to the administrators, special and general education personnel, students and parents, and other agency personnel in the West Fargo Special Education Unit who participated in the monitoring activities. Their efforts represent a commitment of time and energy without which the multipurpose task of monitoring could not be completed.

This report contains a description of the process utilized to collect data, and to determine strengths, areas of noncompliance with the IDEA, and suggestions for improvement in fully realizing the six basic principles of the Individuals with Disabilities Education Act.

Education of Children and Youth with Disabilities
Part B of IDEA

Strengths

NDDPI observed the following strengths:

- Supportive, trusted, and accessible special education unit administrators and dedicated and professional service providers, including paraeducators.
- A commitment to support collaborative efforts between special and general educators by compensating staff members for collaboration and planning time for hours spent outside of the standard contact time. Thus a high level of effective communication between general education and special education staff members.
- Improved and appropriate utilization of Building Level Support Teams at the elementary level.
- Positive feedback from parents indicating satisfaction with school services, including special education services, and levels of involvement especially at the elementary and high school level. Parent participation in the IEP process.
- Summer curriculum projects to adapt and modify general education curriculum materials.
- The ND Protection and Advocacy Project has a good working relationship with the unit staff and parents.
- A wide variety of programming options for students requiring nontraditional school based options.
- A well-designed transition program using a wide variety of community programs with consistent interagency participation.

Areas of Noncompliance

NDDPI observed the following areas of noncompliance:

- Inadequate documentation on evaluation planning forms and integrated written assessment reports (IWAR) in the following areas: determination of needed evaluation data; parent participation in determination of eligibility; and additional requirements for evaluating children with Specific Learning Disabilities.
- Delayed or lack of a current IWAR in some files.
- Lack of full IEP Team membership and participation.
- Inadequate documentation on Individualized Education Programs (IEPs) in the following areas: present levels of educational performance, annual goals and short-term objectives, characteristics of services, assistive technology and devices, statewide assessments, and extended school year services.
- Least restrictive environment inadequately addressed in the IEP process.
- Incomplete or missing Procedural Safeguards (i.e. prior written notices for assessment planning and IEP meetings, consent for initial evaluation, Record of Inspection form and Record Locator form).

WEST FARGO SPECIAL EDUCATION UNIT MONITORING REPORT
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INTRODUCTION

The West Fargo Special Education Unit Self-Assessment Report contains essential background information describing the unit's structure. The West Fargo School district is comprised of the cities of West Fargo, Horace, and Harwood. All district kindergarten students attend school at the Early Childhood Center. Grades 1 through 6 are located in six elementary schools: Berger, Eastwood, South, Westside, Horace and Harwood. Westside also houses the Early Childhood Special Education Program for pre-kindergarten children. West Fargo Middle School houses grades 7 and 8, and the West Fargo High School serves grades 9 through 12. Adult education and the Community High School are located in the Leidal Building in West Fargo.

Administrative Structures and Children Served:

The West Fargo Special Education Unit is an independent unit within the District. The District has a student population of approximately 4,976. Based on district demographics from December 1999, students with disabilities ages 3 to 21 comprise 10.4% of the total student body.

Verification Review and Data Collection: The West Fargo Special Education Unit began the Collaborative Review process in September 1998. The West Fargo Self-Assessment Report was submitted to NDDPI in March 2000. The Self-Assessment Report included data gathered by student record review, survey information from parents, students with disabilities, and general and special education staff, and compliance worksheets used to analyze West Fargo Special Education Unit's compliance with IDEA, Part B.

NDDPI visited school districts in the West Fargo Special Education Unit on April 18-20, 2000, for the purpose of collecting data to verify information provided through the Collaborative Review process, including new requirements under the IDEA Amendments of 1997. NDDPI staff members met with the West Fargo Public Schools Special Education Review Team to discuss the Self-Assessment Report and develop identified sites to be visited during the Verification Review. NDDPI visited six of the seven school buildings that receive services from the West Fargo Special Education Unit. Student record reviews, including Individualized Education Programs (IEPs) and Integrated Written Assessment Reports (IWARs), were conducted at the unit office. Interviews were conducted with twenty special education staff members responsible for developing and implementing IEPs, five general education staff members who teach children with disabilities in their classrooms, six general education administrators, and the director and coordinator of special education. Preliminary results and findings were presented to the Special Education Review Team in a summary meeting at the end of the Verification Review visit.

Improvement Planning: In response to this report, the West Fargo Special Education Unit will develop an action plan including specific Improvement Strategies addressing areas identified as noncompliant, within 60 days of receipt of this report. The NDDPI special education regional coordinator assigned to the West Fargo Special Education Unit will serve, as needed, as a resource for improvement planning purposes, and will respond in writing to indicate approval of Improvement Strategies submitted by the Unit. If needed, please contact the regional coordinator for suggested formats to be used for development and documentation of Improvement Strategies.

I. ZERO REJECT

All children with disabilities must be provided with a free appropriate public education (FAPE). All children with disabilities, and who are in need of special education and related services, must be identified, located, and evaluated.

Procedures are in place for the identification of students with disabilities ages 3-21. Preschool screenings occur monthly with a consortium of Fargo, West Fargo, and Rural Cass County school districts. As reported through the West Fargo Self-Assessment Report, Building Level Support Teams (BLST) are functioning at all elementary schools. In addition to the BLST, a Behavior Intervention Team is available at the elementary level to provide additional options and supports for students with behavior concerns. The Middle School uses an inter-disciplinary approach with teachers in the core subjects. Staff from the high school attended the BLST team training this spring and are in the process of developing a more formalized process.

As part of the West Fargo Self-Assessment Report, general and special education professionals were asked if they felt their school had sufficient pre-referral interventions and support services available to maintain at-risk students within general education programs. Approximately 36% of the professionals surveyed disagreed with this statement. Of the parents completing the self-assessment survey, over 85% agreed that other options were tried or considered within general education before their child was referred to special education. As part of the West Fargo Self-Assessment Report, general and special education professionals were asked if they were satisfied with the time involved from prereferral interventions to the time of referral for a special education evaluation. Approximately 43% disagreed with this statement.

During the interviews that NDDPI conducted as part of the Verification Review, respondents were asked to "Describe the BLST activities in your school." Further probes included questions regarding consistency of team membership, team function, notification of parents, team record-keeping procedures and the timeline from prereferral to the time of referral for a special education evaluation. In addition, student files were reviewed to determine if BLST information was included.

IDEA Part B Child Find obligations extend until students graduate from high school. Therefore it is the responsibility of the special education administrative unit to promote effective strategies to identify any school-age child who has a disability and may require special education and related services. This includes students who are at risk for dropping out of school. As reported through the West Fargo Self-Assessment Report, based on 1999-2000 dropout information from the West Fargo High School, students with disabilities made up 19% of the students who dropped out during the school year, almost twice the incidence rate of disabilities in the total population. As reported through the Self-Assessment Report, graduation rates of students with disabilities increase yearly, particularly students with emotional disturbances. In the 1999-2000 school year, seven seniors with emotional disturbance were anticipated to graduate.

NDDPI reviewed and analyzed the data and identified the following suggestions for improvement.

STRENGTHS

West Fargo School District is involved in a variety of programs for at-risk students. The Respect and Protect Program was reported to be a great help to the teachers and has prevented over referrals in the area of emotional disturbance (ED). Through this program, parents are more involved, several interventions are tried and good documentation is provided to team members. Also recognized by staff as an excellent program for at-risk students has been the Partnership Project for students who have severe emotional disturbances and their families. This project has provided wrap-around services to maintain at-risk students in their community.

Through interviews conducted by the NDDPI monitoring team, staff at most elementary schools viewed the BLST process as improved and beneficial in preventing unnecessary referrals to special education.

SUGGESTIONS FOR IMPROVED RESULTS FOR CHILDREN

Interviews conducted at the High School confirmed the need to adopt a formal BLST process. Interviews conducted at the Middle School indicated inconsistent usage and documentation of the inter-disciplinary approach used within this building. Through interviews it was reported that at the Middle School, the BLST process is seen as a “gatekeeper” as opposed to a beneficial prereferral effort. Most preschool and elementary personnel interviewed appreciated the BLST process and saw it as a vital component to the referral process

Although BLST procedures are the responsibility of general education programs, an improved and effective process at the Middle School and High School will benefit all children, including children with disabilities. NDDPI would strongly encourage staff skill development at the local level in this area. NDDPI provides ongoing training and support, along with a newly revised BLST manual (January 2000), to school districts in the state as they develop local BLST policies and procedures.

As indicated in the West Fargo Self-Assessment Report, of the students who dropped out during the school year, 19% were students with disabilities. The West Fargo School District must explore reasons for the high percentage and develop appropriate strategies to decrease the high percentage.

The West Fargo Self-Assessment Report identified that policies and procedures for discipline, suspension, and expulsion of special education students are in need of revision to comply with the IDEA 97 amendments. A draft policy and procedures is currently being reviewed and will be submitted to the Board for approval by the 2000-2001 school year. Administrators and staff have participated in inservice training regarding the 10-day rule and 45 day drug/gun option. Suspension and expulsion policy and procedures must be created and distributed no later than the beginning of the 2000-2001 school year.

Student file reviews included the appropriate prereferral documentation and indicated parent involvement in the prereferral process. It is suggested that West Fargo explore the high percentages of disagreement relating to prereferral issues found on staff surveys.

II. NONDISCRIMINATORY EVALUATION

Any child with a suspected disability must receive a full, individualized evaluation, which meets specific standards, and includes information from a variety of sources.

Information included in the West Fargo Self-Assessment Report indicated areas of concern regarding the following required components of the evaluation process: completion of the reevaluation within a three year limit; documentation of all areas of functioning; and completion of an Integrated Written Assessment Report. In addition, the Integrated Written Assessment Reports (IWAR) for students with specific learning disabilities (SLD) were found to be weak in information regarding: identification as SLD in one of seven areas and the basis for making the determination; relevant behavior noted during the observation of the child and the relationship between that behavior to the child's academic functioning; educationally relevant medical findings; whether there is a severe discrepancy between achievement and ability that is not correctable without special education and related services; and the determination of the team concerning the effects of environmental, cultural, or economic disadvantage.

The West Fargo special education director has assured NDDPI that state recommended *Guidelines: Evaluation Process (8/1/99)* has been adopted by the unit and is being used by special education staff members.

During interviews NDDPI conducted as part of the Verification Review, respondents were asked to "Describe the evaluation planning process." Further probes included questions regarding: involvement of parents in the evaluation process; description of the evaluation process; and if children were assessed in all areas relating to disability. In addition, respondents were asked about the process that is followed when the team determines that no additional data are needed. Individuals involved in the completion of assessments for SLD students were asked to describe how additional SLD requirements are addressed in the IWAR. Copies of assessment plans and the IWAR were also reviewed during the student record review process at the unit office to verify findings from the West Fargo Self-Assessment Report. In addition regulations relating to parent participation, documentation that no additional data are needed, test instruments administered by appropriate personnel, and required components for the IWAR were reviewed. These requirements were added due to concerns from the past West Fargo monitoring report and statewide concerns in these particular areas.

NDDPI reviewed and analyzed the data and identified the following areas of noncompliance and suggestions for improvement.

AREAS OF NONCOMPLIANCE

Determination of Needed Evaluation Data

34 CFR 300.533(d) describes the requirements when the team determines that no additional assessment data are needed to determine whether the child continues to be a child with a disability. Interviews with special education staff members showed that the evaluation process was appropriately described in detail. However, some respondents were unsure of the process

used when a team determines that no additional assessment information is needed. Student records showed incomplete documentation when no additional information was needed.

Determination of Eligibility

34 CFR 300.534(a) (1) states that upon completing the administration of tests and other evaluation materials, a group of qualified professionals and the parent of the child must determine whether the child is a child with a disability. Student records reviewed indicated that several of the files reviewed did not have documentation of parent participation.

Initial and Reevaluation

34 CFR 300.536 states that a reevaluation of each child is conducted if conditions warrant a reevaluation, or if the child's parent or teacher requests a reevaluation, but at least once every three years. Several of the files reviewed did not contain an evaluation completed within a three-year period. Also, NDDPI verified that there was not a current evaluation in some of the files reviewed by the monitoring team. Interviewees commented that they were unclear about the Unit's timelines regarding completion and reporting of assessments for initial and reevaluations.

Additional Requirements for Evaluating Children with Specific Learning Disabilities

34 CFR 300.540-300.543 describe the additional requirements the district must follow when evaluating a child with specific learning disabilities. Professionals responsible for providing services for SLD students were interviewed regarding the additional SLD requirements. Some interviewees were not able to consistently describe all additional SLD requirements and the process required for including them in the IWAR. One professional stated that it would be beneficial to receive more direction in this area. Careful review of Integrated Written Assessment Reports for several students identified as having specific learning disabilities did verify the West Fargo Self-Assessment Report findings regarding the appropriate observation of the child and the relationship between that behavior to the child's academic functioning, and the need to report educationally relevant medical findings.

SUGGESTIONS FOR IMPROVED RESULTS FOR CHILDREN

One additional concern identified by the West Fargo Self-Assessment Review Team was the disproportionate percentage of Native American children with disabilities as compared to the total district population. Although Native American students comprise 1.9% of West Fargo's total student population, 3.8 % of the students with disabilities are Native Americans. Further study concerning this issue is suggested.

The West Fargo Special Education Unit must update the current evaluation section of the unit handbook to include the IDEA 97 revisions. Also, the Unit must expand its internal monitoring process in the area of evaluation. There was inconsistency amongst professionals in the quality of the documentation involved in the evaluation process. Some individuals had excellent paperwork and described the evaluation process in depth, while others were inconsistent in documenting required elements involved in the evaluation process. Although NDDPI monitors did not verify all assessment issues addressed in the West Fargo Self-Assessment report, it will benefit special education personnel to participate in ongoing training in this area. NDDPI *Guidelines: Evaluation Process* (8/1/99) and *Guidelines: Identification and Evaluation of Students with Specific Learning Disabilities* (fall 2000) include suggested procedures and forms

to meet requirements of the evaluation process. The unit staff members having in-depth knowledge of the evaluation process should be employed by the Unit to assist in the evaluation training. It was also suggested by staff members to provide financial incentives, similar to those now provided for collaboration regarding IEP issues, to allow team members to meet after contract hours to discuss and complete student evaluations.

III. FREE APPROPRIATE PUBLIC EDUCATION

An IEP team, which includes the child's teacher, the child's parent(s), an administrator, and a special education teacher, must develop an educational program tailored to meet the child's unique needs.

Summary information included in the West Fargo Self-Assessment Report indicated areas of concern with several specific required elements of the IEP. Components of the IEP that were identified as needing improvement included the following: attendance of all required IEP team members, especially administrators/designees and general education teachers; description of characteristic of services; and complete least restrictive environment justification information. The West Fargo special education director has assured NDDPI that state recommended *Guidelines: Individualized Education Program Planning Process* (8/1/99) was adopted by the unit and is being used by special education staff members.

Surveys conducted as part of the West Fargo Self-Assessment Report indicated that a large percent of general and special education staff do not feel they have received adequate training and information that allows them to implement the students' individualized education plans (IEP), do not have adequate materials and personnel supports to allow them to implement each student's IEP, do not have time available during the school week to complete necessary tasks, and do not have appropriate curricula and materials available for students with limited English proficiency who have special education needs. Many general and special education staff members surveyed also indicated that they do not have input regarding the identification of staff development needs and the planning of training activities related to students with disabilities.

In the West Fargo Self-Assessment Report special education staff survey, some staff disagreed with the statement that students have the adaptive equipment needed to participate in their educational programs. The West Fargo Self-Assessment Report indicated as an area of improvement, "Consistent consideration for the need of assistive technology devices and services."

During interviews conducted by NDDPI as part of the Verification Review, respondents were asked to describe the IEP development process, including specific questions related to: IEP team members; determination of the present levels of educational performance; development of annual goals and objectives; determining need for assistive technology devices and services; progress reports for parents; development of characteristics of services; student involvement in extracurricular activities; availability of curriculum and materials for students with limited English proficiency; participation in statewide assessments; intervention and strategies used to support students with emotional, behavioral or discipline problems; transition-planning activities for students 14 and older; transfer of rights to students who reach 18 years of age; and the

process for determining extended school year services for students. Since the determination of need for and the provision of extended school year services is an issue for schools across North Dakota, and has also been identified as an area of concern by federal monitors during their most recent visit, this issue was emphasized during interviews with school personnel. Student file reviews completed by NDDPI staff also included the IEP components indicated above.

NDDPI monitors reviewed and analyzed the data and identified the following area of strength, areas of noncompliance, and suggestions for improvement.

STRENGTH

Vocational Resource Educators (VREs) have played an important part in designing a well-organized transition program, using a wide variety of community programs with consistent interagency participation.

AREAS OF NONCOMPLIANCE

Present Levels of Educational Performance

CFR 300.347 requires that an IEP contain a description of the student's present levels of educational performance (PLEP) and that it reflects the perspective of all team members, including the parents. NDDPI identified that parents were consistently invited to IEP meetings and did attend. However, the Verification Review team found that parental input is not consistently noted in all students' PLEPs.

Surveys completed as part of the West Fargo Self-Assessment Report indicated that some of the middle and high school students surveyed did not feel comfortable asking questions at their IEP meetings. This was supported through file reviews conducted of transition age students. The students' interests and input were not found in the PLEP and other components of the IEP in several of these files. This verifies the findings in the West Fargo Self-assessment Report and supports the need to improve self-advocacy skills for West Fargo Middle and High School students.

Annual Goals and Short-term Objectives

34 CFR 300.347 requires that goals be measurable and include short-term objectives intended to meet the child's educational needs that result from the child's disability. NDDPI Verification Review team members identified several IEP annual goals and short-term objectives that did not contain the required components. The annual goals not meeting standards were not individualized or annual. Also, there was not an ending level of performance making it impossible to know when the goals have been met. Short-term objectives found out of compliance were not individualized or many times were not sequenced when this would have been appropriate. The objectives in one file reviewed contained the identical objectives from the previous years' IEP. Goals and objectives for one student with limited English proficiency were not special education goals but appeared to be goals more appropriately addressed by an ESL teacher.

Characteristics of Services

34 CFR 300.347(a)(2) states that IEPs must include short-term objectives related to how the child will be involved in and progress in the general curriculum. The characteristics of services (COS) discussion considers where and how the services will be delivered. Student file reviews completed by NDDPI monitors verified that documentation was insufficient to confirm that discussions were held to determine the characteristics of services. Several IEPs had the same COS for all objectives when this was not appropriate. In one IEP the COS section was used to provide a description of child behaviors. During interviews, a large percentage of special education teachers were not able to describe how characteristics of services are developed for each objective.

Assistive Technology and Devices

34 CFR 300.5-300.6 and 300.346 (a) (2) (v) One of the new requirements in IDEA 97 is a group of “special factors” that must be considered by every IEP team. One of these “special factors” specifies that every student’s IEP team must consider the need for assistive technology (AT) devices and services. All IEP teams must have the knowledge and skills to make informed decisions regarding AT for all students with disabilities. Through student file reviews and interviews with staff members, the NDDPI monitoring team verified the West Fargo Self-Assessment finding in the area of AT. Many of the files not in compliance with this regulation contained incomplete IEP sections to document that AT devices and services had been discussed by the team. It was also noted that in some files where it was indicated throughout the IEP that the student was using an AT device, the device or service was not documented in the appropriate section. Interviews with staff showed only a basic understanding of the process to use when determining AT needs or that this process must begin with the evaluation process. A few staff stated that too often the technology device doesn’t function as it is supposed to.

Statewide Assessment

34 CFR 300.347 (5) requires that the child’s IEP team determine and document whether a child will participate in the general statewide assessment with no accommodations, with accommodations, a modified version of the general assessment or an alternate assessment. If the IEP team determines that the student will not participate in the general assessment, this decision must be documented in the IEP. The West Fargo Self-Assessment Report stated that in 1999, 83% of children with disabilities participated in the statewide CTBS assessment, compared to statewide averages of 88%. In some of the files reviewed, the alternate assessment section was checked but no justification was provided. One IEP stated that the student would be given the Woodcock Johnson in place of the assessment. Through interviews with staff, there seemed to be basic knowledge of the need to consider the accommodations such as those listed on the IEP, but the understanding of why all students with disabilities must be included in statewide assessments was inconsistent.

Extended School Year Services

34 CFR 300.300 requires that a free appropriate public education be made available to all children with disabilities. 34 CFR 300.13 requires that services be provided in accordance with an appropriate IEP. In addition, 34 CFR 300.309 states that extended school year (ESY) services must be available as necessary in order to provide free appropriate public education to children with disabilities. The West Fargo Self-Assessment Report indicated that documentation in the

ESY section of the IEP was sufficient, however a clear understanding of the required process for determination of ESY services may be the larger issue. During interviews, there was limited understanding of the process to be used in determining the need for ESY. Through reviews of students IEPs, NDDPI monitors determined that discussion justifying ESY services was not always appropriately documented.

SUGGESTIONS FOR IMPROVED RESULTS FOR CHILDREN

IEP Team Members

34 CFR 300.344 describes the required IEP team membership: parents, regular education teacher, special education teacher, representative of the public agency, a person who can interpret evaluation results, and, if appropriate the child. The West Fargo Self-Assessment Report noted that all required members were present in 72% of the IEPs that were reviewed. NDDPI monitors did not verify this through file review. Interviews with staff indicated that attendance of an administrator or his/her designee is inconsistent; however, this depends on the school. The West Fargo Special Education Unit should continue to monitor for attendance of all required IEP team members.

Special Factors

34 CFR 300.346 (2) (i)(ii) As part of the IEP process, the team must consider a variety of “special factors”. In the case of a child whose behavior impedes his or her learning or that of others, the IEP team must consider, if appropriate, strategies, including positive behavior interventions, strategies, and supports to address that behavior. These behavior supports are based upon functional behavioral assessments. Interviews with general and special education staff (including paraeducators) saw this area as a high priority for joint training. Many staff members were unfamiliar with functional behavior assessments. Several staff refer to the ED program (not services) as the *place* responsible to determine the needs of students with emotional disturbances. Some staff members refer to students receiving ED services as BASE (Behavior Alternative Strategies for Education) students.

Another “special factor” that must be considered by the IEP team of a child with limited English proficiency (LEP) is how the student’s language needs relate to the child’s IEP. Examples of questions that must be asked by the team are: “Has the student been assessed in his/her native language?” or “Is the disability present when the student is assessed in his/her native language?” Through surveys conducted as part of the West Fargo Self-Assessment Report, general and special education staff were asked to respond to the statement, “I have appropriate curricula and materials available for students with limited English proficiency who have special education concerns.” Over one-third of the staff surveyed did not feel that they have appropriate curricula and material. Interviews with general and special education staff verified the survey findings. During the 1999-2000 school year, all elementary staff received in-service training in this area. Several staff felt that the training they received this year was beneficial but that more joint training is needed. The unit special education director reported that they involve the district’s ESL staff in assessment and IEP meetings for LEP students and that the interpreters have been utilized for parent interviews and student evaluations. She also reported that the number of students who are receiving special education services and who are limited in their English proficiency is low but increasing.

Progress Reports

IDEA '97 contains a new requirement, CFR 300.347, for reporting student progress to parents of children with disabilities "at least as often as the parents of nondisabled children receive reports of student progress." The NDDPI Verification Review team members found that in files reviewed, progress reports were included and complete. However, when asked to describe how progress on goals and short-term objectives is reported to parent, some school personnel reported that the current method of recording with percentages seemed meaningless to the parents and that there was confusion about how to record the measured progress in the current progress report.

Transition

The NDDPI Verification Review team reviewed transition components of several IEPs for students 14 years of age and older, and interviewed unit personnel working with these students. NDDPI monitors noted that in several IEPs, Post-School outcomes were sometimes too vague and far reaching for particular students. In a few IEPs, the "Statement of Needed Transition Services" contained good ideas and accurate information but they failed to link the identified needs with goals and objectives. Also, it is recommended that transition goal components need to be infused into the general education curriculum. Although agency participation was seen as a strength through interviews, there was sometimes limited documentation of this participation. Surveys conducted with parents of Middle School and High School students indicated that they had been involved in planning for transition to post-school experiences as part of their child's IEP.

Through interviews it was expressed that the VREs are systematically used as a "pull out service" rather than included in career development and planning by all staff. Also, because guidance counselors have the skills and expertise to do specific career planning, they should be encouraged to do this more routinely with students with disabilities.

Handbook Update, Internal Monitoring System and Future Trainings

The West Fargo Special Education Unit must update the current IEP section of the unit handbook to include the IDEA 97 revisions. Also, the Unit must expand its internal monitoring process in the area of IEP development. There was inconsistency amongst professionals in the quality of the documentation involved in the IEP process. Some individuals had excellent documentation and described the IEP process in depth, while others were inconsistent in documenting the requirements involved in the IEP process. Although NDDPI monitors did not verify all IEP issues addressed in the West Fargo Self-Assessment report, it will benefit special education personnel to participate in ongoing training in this area. NDDPI *Guidelines: Individualized Education Program Planning Process (8/1/99)* includes suggested procedures and forms to meet requirements of the IEP process. Those local staff members having in-depth knowledge of this process should be employed by the Unit to assist in the IEP training. Continuous and ongoing special education staff skill development will contribute to efforts to provide inclusive services for children with disabilities.

IV. LEAST RESTRICTIVE ENVIRONMENT

To the maximum extent appropriate, children with disabilities must be educated with their non-disabled peers. Placement decisions must be based on the goals and objectives in the child's IEP.

The West Fargo public school district has developed a position statement, *Educating Students in the Least Restrictive Environment*. This statement can be found in the West Fargo Special Education Handbook and the West Fargo Self-Assessment Report. As reported through the West Fargo Self-Assessment Report, students who attend their neighborhood schools increased from 81% in 1993 to 91% in the 1997 school year. The data for the 1999-2000 school year was unavailable at the time of the verification review, but it was reported by special education administration staff that it is anticipated that this number is now approaching 95-98% due to the addition of ED and EMH staff in the elementary schools since 1997.

As stated in the Programmatic Section of the West Fargo Self-Assessment Report, comparing data from 1993 and 2000, the percentage of students with disabilities whose Federal Child Count Setting was "Regular Class" increased from 45.6% to 59.7%; "Resource Room" remained essentially the same, from 33.1% to 33.2%; and "Separate Class" decreased from 17.9% to .1%. Currently the four elementary schools in West Fargo have services for all areas of disabilities with the exception of TMH services, which are at Berger Elementary only, and the absence of an EMH program at Westside. Services in all disability areas are provided at the West Fargo Middle School and the West Fargo High School.

The West Fargo Self-Assessment findings indicated that a large percent of the files reviewed did not provide a complete LRE justification statement. During interviews conducted by the NDDPI monitoring team, respondents were asked to "Describe the process for determining LRE." Further probes included questions regarding: documentation of LRE decisions, determination of placement and harmful effect, and the continuum of educational services available at their school. Student file reviews included a check of documentation of LRE decisions, discussion of harmful effect and participation in general education.

The summary of survey information included in the West Fargo Self-Assessment Report indicated some concerns regarding collaboration efforts between special education and general education teachers. During interviews conducted by NDDPI monitors as part of the Verification Review, respondents were asked to "Describe the nature of collaborative efforts between general education teachers and special education teachers." Respondents were also asked to "Describe how general education teachers are supported when special education students have emotional or behavioral issues" and "Do you feel general education staff modify and adapt general education curriculum to meet the needs of children with a disability?"

The West Fargo Self-Assessment Report included survey information and comments gathered from paraeducators. Several of the paraeducators responding to the survey indicated that they do not have: input into the identification of staff development needs and the planning of training activities related to students with disabilities; adequate training and information that allow them to implement each student's IEP; adequate materials and preparation time that allow them to implement each student's IEP; or meaningful input into the development of the student's IEP. During interviews respondents were asked to "Describe how paraeducators participate in the provision of services for students with disabilities?" Additional probes requested information concerning: the training and involvement of paraeducators in implementing the child's IEP; if appropriate responsibilities were assigned to paraeducators; and if paraeducators participate in the assessment and IEP development for students for whom they provide services.

NDDPI reviewed and analyzed the data and identified the following strengths, areas of noncompliance, and suggestions for improvement.

STRENGTHS

West Fargo Public School provides a variety of programming options for students requiring nontraditional school based options. Homebound services and Youth Educational Services are options available to students whose needs require alternate educational programming. Following the April Verification Review, the Community High School revised admission qualifications to include students who have IEPs. This creates an excellent alternative for many students needing this type of structure and classes taught by a team of teachers. Also, the West Fargo Special Education Unit has a Senior Plus Program for students who have met graduation requirements but need additional services to transition into adult living by providing training in independent living and vocational skills. As reported in the West Fargo Self-Assessment Report, the success rate for employment of the Senior Plus graduates is close to 100% for the past 5 years.

West Fargo Special Education has demonstrated a commitment to collaboration between general and special education staff by providing financial support to compensate both general and special education staff for collaboration and planning time spent outside of standard contract time. Through interviews with staff this effort was viewed positively and considered beneficial by both special and general education staff.

AREAS OF NONCOMPLIANCE

General Least Restrictive Environment Requirements

34 CFR 300.550 requires that, to the maximum extent appropriate, children with disabilities are educated with children who are not disabled. In addition, removal of children with disabilities from the general education environment may occur only when the nature or severity of the disability is such that education in regular classes, with the use of supplementary aids and services, cannot be achieved satisfactorily. Through student file reviews, the NDDPI monitoring team verified the West Fargo Self-Assessment findings regarding incomplete documentation of LRE discussions. In some files reviewed, there was no documentation of LRE discussion. In other files, there was a statement of where the student would be receiving the services but no documentation of other options considered.

Placements

34 CFR 300.552(c) states that each public agency shall ensure that unless the IEP of a child with a disability requires some other arrangement, the child is educated in the school that he or she would attend if not disabled. Although there has been an increase in the percentage of students attending their neighborhood school, it was reported through the West Fargo Self-Assessment Report and verified through interviews that TMH services are only provided at Berger Elementary. Through interviews conducted at Horace Elementary it was indicated that students in need of ED services must go to West Fargo to receive these services.

34 CFR 300.552 (d) states that in selecting the LRE, consideration must be given to any potential harmful effect on the child or on the quality of services that he or she needs. A series of questions can be used to guide the decision regarding potential harmful effect (e.g. Will this

student be stigmatized or feel excluded from the general education setting as a result of this placement? Will there be a detrimental effect on the child's social relationship if he does not attend his neighborhood school?") Several of the files reviewed did not document discussion of potential harmful effect when previous sections of the student's IEP indicated a need to discuss these effects.

34 CFR 300.552 (e) states that a child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modification in the general curriculum. Interviews conducted with special education staff in the Middle School and High School reported that they felt that there was too much pullout time for students with mental retardation (MR). It was stated that general education staff need to take a stand on "how we will provide accommodations", not, "if we should do it." Interviews conducted at the West Fargo Middle School indicated that some general education teachers are resistive to the inclusion of students with disabilities in their classroom and that this resistance inhibits the consideration of placing student with disabilities in the general education classroom. Several files reviewed by NDDPI monitors did not have sufficient documentation regarding needed discussion focused on the student's participation in general education. In addition, NDDPI monitors noted during file reviews for several students, that these students spend half or more than half of the school day in separate classes.

Availability of Alternative Placements

34 CFR 300.551 states that each public agency shall ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services. The Early Childhood Special Education Program, once a part of the kindergarten center, is now housed at Westside Elementary due to space constraints. As indicated in the Self-Assessment Report, community peers also attend the preschool special needs program but not at the needed 50% ratio to constitute an inclusion setting. Through student file reviews and interviews, the NDDPI monitoring team verified the West Fargo Self-Assessment Report finding in this area.

SUGGESTIONS FOR IMPROVED RESULTS FOR CHILDREN

The NDDPI Monitoring Team verified the West Fargo Self-Assessment Report finding regarding concerns about general and special education collaboration. Although effective collaboration between special education teachers and general education teachers is not a regulatory requirement of IDEA, efforts to improve collaboration will certainly benefit all children, including children with disabilities. Through interviews with general and special education staff, some suggestions to increase collaborative efforts within a school were: more training time together; paid collaboration time relating to the evaluation process; and more preparation time with paraeducators included. Creative improvement planning strategies developed at the local school level will be needed to address these issues.

Paraeducators are essential members of the educational teams serving students with disabilities. They provide a resource that contributes significantly to the success of individual students, schools, and educational programs. Public agencies must provide paraeducators the necessary training, support and resources to be effective in their work. Through interviews conducted by

the NDDPI monitoring team, respondents agreed that the paraeducators in their buildings were a vital component to the success of the services being provided for each student but that many paraeducators were not given sufficient general training and student specific training to do their jobs successfully. Some staff members were also unclear about who should be supervising the paraeducators to assure that they are carrying out their duties appropriately. Other concerns focused on limited preparation time with the paraeducator, excessive responsibility being assigned to the paraeducator, and limited input requested of paraeducators concerning evaluation and IEP development.

V. PARENT INVOLVEMENT

Parents have the right to have access to their child's educational records. Parental consent is required for initial evaluation, reevaluation, and placement. Parents must be included in IEP team decisions, and parents must be notified of their right to appeal.

The West Fargo Self-Assessment Report summarized responses from parent surveys conducted as part of the Collaborative Review process. Of the 200 parents surveyed, there was a limited response of 61. Overall, the parents that responded from the early childhood, elementary and high schools were satisfied with the special education program and services provided to their child. Over one-third of the parents responding at the Middle School were not satisfied with the special education program and services provided to their child and did not feel informed of special education services in the West Fargo Schools. When asked if they had been invited to participate in special education parent activities, approximately one-third of the parents surveyed did not agree with this statement. Through the self-assessment survey, one-fourth of the parents who responded, indicated a desire to have more opportunities to be involved with school improvement efforts. Parent participation is also solicited through North Central Association accreditation (NCA) focus groups for building level improvements.

Based on the analysis of returned parent surveys, the West Fargo Special Education Collaborative Review Steering Committee identified an improvement strategy to provide opportunities for increased parent participation in special education activities. This past year the West Fargo and Fargo Public Schools FEET committees held a joint Parent Fair for families with children with disabilities, and the West Fargo ESCE Program provided a Parent Night Training for preschool families. Parent training activities and a quarterly newsletter are being planned for the 2000-2001 school year.

Issues focusing on parent participation in evaluation process were previously addressed in this report in Section II. Nondiscriminatory Evaluation.

During interviews conducted by NDDPI monitors, school personnel were asked to "Describe the extent to which parents are involved in evaluation/IEP meetings and unit trainings." Further probes requested information regarding the involvement of parents in the decision making process and training opportunities for parents.

NDDPI reviewed and analyzed the data and identified the following strength and suggestion for improvement.

STRENGTH

Positive feedback from parents and families indicates a level of satisfaction with school services, including special education services at the early childhood, elementary and high school levels. Staff interviewed indicated that parents are invited to participate from the referral for evaluation through the evaluation process and feel that parents are active members of the IEP teams. Parent surveys completed as part of the West Fargo Self-Assessment Report, report that a vast majority of parents feel that they are equal members of IEP teams, and are welcome and respected in their children's schools. Although this is seen as a strength, the reader is cautioned that only 31% of the parent surveys were returned and used to determine this result.

SUGGESTION FOR IMPROVED RESULTS FOR CHILDREN

NDDPI strongly encourages the West Fargo Special Education Unit to continue to offer information and training opportunities to families of children with disabilities. Parental involvement has long been recognized as an important indicator of a school's success and parent involvement has positive effects on children's attitudes and behavior. Partnerships positively impact achievement, improve parents' attitudes toward the school, and benefit school personnel as well.

VI. PROCEDURAL SAFEGUARDS

Procedural safeguards, which ensure the fairness of educational decisions, include impartial due process hearings, the right to an independent educational evaluation, written notification to parents explaining their rights, parental consent, and appointment of surrogate parents, when needed.

Information included in the West Fargo Self-Assessment Report summarized data from an internal monitoring process of the student file review. The Self-Assessment Steering Committee noted a concern regarding the completion of the Record Locator form placed in student files. Also, in some of the files reviewed, Record of Inspection and consent for evaluation forms were not found.

During interviews respondents were asked, "When do you send prior notices to parents?" and "Describe how this unit handles transfer of rights to students who reach 18 years of age." This issue was addressed due to concerns from the previous West Fargo monitoring report. Student file reviews completed by NDDPI monitors during the Verification Review process included specific items for the: Prior Written Notice for the assessment meeting and the most recent IEP meeting; Record of Inspection form; Record Locator form; Transfer of Rights form for students 18 and older; and parent consent for initial evaluation.

STRENGTH

Parent surveys completed as part of the Self-Assessment Report, report that parents had received a copy of their procedural safeguards from the school. This was verified through the student file review completed by the NDDPI Monitoring Team.

AREAS OF NONCOMPLIANCE

Prior Written Notice

34 CFR 300.503 states that written notice must be given to the parents of a child with a disability a reasonable time before the public agency either proposes to initiate or change the identification, evaluation, or education placement of a child or the provision of FAPE to the child, or refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child. Interviews with staff members indicated an understanding of when to send prior written notices. However, the NDDPI monitors found that several of the files reviewed did not have a prior written notice for assessment planning or did not have a prior written notice for the most recent IEP meeting.

Record of Inspection

34 CFR 300.563 indicates that each participating agency shall keep a record of parties obtaining access to education records collected and maintained for children receiving services under IDEA-B. However, file reviews indicated that some files had either a Record of Inspection form that had not been signed for many years; was not found in the file; or was out dated.

Record Locator

34 CFR 300.565 states that each public agency shall provide parents upon their request, a list of the types and location of education records collected, maintained and used by the agency. Several of the files reviewed by the NDDPI monitoring team were not in compliance with this regulation. In several of the files, the monitors could not find a Record Locator.

Parent Consent for Initial Evaluation

34 CFR 300.505 states that informed parent consent must be obtained before conducting an initial evaluation or reevaluation. As stated in the *Special Education Monitoring Manual: Collaborative Review Process*, some violations are considered serious enough to be cited if even one incident is noted. Consent for evaluation is an important procedural safeguard document that must be in each student's file. Several of the files reviewed by NDDPI monitors did not have a parent consent for initial evaluation. West Fargo must ensure that consent for evaluation forms are in every student file.

SUGGESTIONS FOR IMPROVED RESULTS FOR CHILDREN

Currently, the West Fargo Special Education unit has a computer file system and a paper file for each student. The NDDPI Verification Review Team found the current paper file system cumbersome and disorganized. The NDDPI monitors found it difficult to locate many important procedural safeguard documents. There was also confusion about the location of current IEPs and evaluation reports. Many of these reports were found on the computer files and some were not found at all. West Fargo staff members appreciate the ease of use of the current computer system, but find working with both systems difficult and confusing. NDDPI encourages West Fargo Special Education Unit administrators to continue to develop and refine an efficient and effective system of record management.